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#81581631  
8/25/02

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: William MUNGER *et al.* )  
Application No.: 09/873,319 ) Group Art Unit: 1631  
Filed: June 5, 2001 ) Examiner: Moran, M.  
For: IDENTIFYING DRUGS FOR AND DIAGNOSIS )  
OF BENIGN PROSTATIC HYPERPLASIA )  
USING GENE EXPRESSION PROFILES )

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AUG 23 2002

Commissioner for Patents  
Washington, D.C. 20231

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Sir:

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits in accordance with 37 C.F.R. § 1.97(b)(3). Accordingly, Applicants do not believe that a fee is due for filing this paper.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

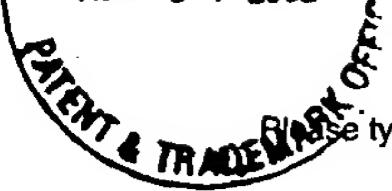
Respectfully submitted,  
**MORGAN, LEWIS & BOCKIUS LLP**

August 21, 2002

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

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*Complete if Known*

Application Number 09/873,319

Filing Date 6/5/2001

First Named Inventor William MUNGER

Group Art Unit 1631

Examiner Name Moran, M.

Attorney Docket Number 44921-5029-US

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U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		5,763,429		Bishop et al.	6/9/1998	
		5,882,864		An et al.	3/16/1999	

FOREIGN PATENT DOCUMENTS							
Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS							
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	'	Brinkman, U. et al. PAGE-1 an X chromosome-linked GAGE-like gene that is expressed in normal and neoplastic prostate, testis, and uterus (1998) Proc. Natl. Acad. Sci. (USA) 96:10757-10762.					
	'	Brinkman, U. et al. Novel genes in the PAGE and GAGE family of tumor antigens found by homology walking in the dbEST database. (1999) Cancer Res. 59:1445-1448.					
	'	Bubendorf, L et al. Survey of gene amplifications during prostate cancer progression by high-throughput fluorescence in situ hybridization on tissue microarrays. (1999) Cancer Research 59:803-806.					
	'	Bubendorf, L et al. Hormone therapy failure in human prostate cancer: analysis by complementary DNA and tissue microarrays. (1999) J. Nat. Cancer Inst. 91(20):1758-1764.					
	'	Isomura, M. et al. Isolation and mapping of RAB2L, a human cDNA that encodes a protein homologous to ralGDS. (1996) Cyogenet. Cell Genet. 74:263-265.					
	'	Jacob, K. et al. Osteonectin promotes prostate cancer cell migration and invasion: a possible mechanism for metastasis to bone (1999) Cancer Res. 59:4453-4457.					
	'	Nollet, F. et al. Phylogenetic analysis of the cadherin superfamily allows identification of six major subfamilies besides several solitary members (2000) J. Mol. Bio. 299, 551-572.					
	'	Seto, M.H. et al. Pro fold analysis of the B30.2-like domain (1999) Proteins 35:235-249.					
	'	Thomas, R. et al. Differential expression of osteonectin/SPARC during human prostate cancer progression (2000) Clin. Cancer Res. 6:1140-1149.					

Examiner Signature		Date Considered
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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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